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Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SENATE BILL 1523

AN ACT

AMENDING SECTIONS 28-363 AND 28-3157, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3323; MAKING AN APPROPRIATION; RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-363, Arizona Revised Statutes, is amended to
3 read:

4 28-363. Duties of the director: administration

5 A. The director shall:

6 1. Supervise and administer the overall activities of the department
7 and its divisions and employees.

8 2. Appoint assistant directors for each of the divisions.

9 3. Provide for the assembly and distribution of information to the
10 public concerning department activities.

11 4. Delegate functions, duties or powers as the director deems
12 necessary to carry out the efficient operation of the department.

13 5. Exercise complete and exclusive operational control and
14 jurisdiction over the use of state highways and routes.

15 6. Coordinate the design, right-of-way purchase and construction of
16 controlled access highways that are either state routes or state highways and
17 related grade separations of controlled access highways.

18 7. Coordinate the design, right-of-way purchase, construction,
19 standard and reduced clearance grade separation, extension and widening of
20 arterial streets and highways under chapters 17 and 18 of this title.

21 8. Assist regional transportation planning agencies, councils of
22 government, tribal governments, counties, cities and towns in the development
23 of their regional and local transportation plans to ensure that the streets,
24 highways and other regionally significant modes of transportation within each
25 county form an integrated and efficient regional system.

26 9. On or before December 1, present an annual report to the speaker of
27 the house of representatives and the president of the senate documenting the
28 expenditures of monies under chapters 17 and 18 of this title during the
29 previous fiscal year relating to the design, right-of-way purchase or
30 construction of controlled access highways that are accepted in the state
31 highway system as state routes or state highways or related grade separations
32 of controlled access highways that are included in the regional
33 transportation plans of the counties.

34 10. Designate the necessary agencies for enforcing the provisions of
35 the laws the director administers or enforces.

36 11. Exercise other duties or powers as the director deems necessary to
37 carry out the efficient operation of the department.

38 12. Cooperate with the Arizona-Mexico commission in the governor's
39 office and with researchers at universities in this state to collect data and
40 conduct projects in the United States and Mexico on issues that are within
41 the scope of the department's duties and that relate to quality of life,
42 trade and economic development in this state in a manner that will help the
43 Arizona-Mexico commission to assess and enhance the economic competitiveness
44 of this state and of the Arizona-Mexico region.

45 13. Develop a plan to increase use of bypass routes by vehicles on days
46 of poor visibility in the Phoenix metropolitan area.

1 14. ESTABLISH EMPLOYEE TRAINING PROGRAMS AND PROCEDURES TO IDENTIFY
2 FRAUDULENT INFORMATION AND DOCUMENTS SUBMITTED TO THE DEPARTMENT BY A PERSON
3 APPLYING PURSUANT TO CHAPTER 8 OF THIS TITLE FOR A DRIVER LICENSE, DRIVER
4 PERMIT OR NONOPERATING IDENTIFICATION LICENSE, INCLUDING PROCEDURES TO
5 FORWARD CHARGEABLE OFFENSES RELATED TO THE SUBMISSION OF FRAUDULENT
6 INFORMATION OR FRAUDULENT DOCUMENTS TO THE COUNTY ATTORNEY IN THE COUNTY IN
7 WHICH THE OFFENSE OCCURRED.

8 B. The assistant directors appointed pursuant to subsection A are
9 exempt from the state personnel system.

10 C. The director shall not spend any monies, adopt any rules or
11 implement any policies or programs to convert signs to the metric system or
12 to require the use of the metric system with respect to designing or
13 preparing plans, specifications, estimates or other documents for any highway
14 project before the conversion or use is required by federal law, except that
15 the director may:

16 1. Spend monies and require the use of the metric system with respect
17 to designing or preparing plans, specifications, estimates or other documents
18 for a highway project that is awarded before October 1, 1997 and that is
19 exclusively metric from its inception.

20 2. Prepare for conversion to and use of the metric system not more
21 than six months before the conversion or use is required by federal law.

22 Sec. 2. Section 28-3157, Arizona Revised Statutes, is amended to read:

23 28-3157. Temporary driver permits and nonoperating
24 identification licenses

25 A. The department may issue a temporary driver permit to an applicant
26 for a driver license OR PERMIT. The TEMPORARY DRIVER permit allows the
27 driver to operate a motor vehicle while the department is completing its
28 investigation and determining all facts relative to the applicant's privilege
29 to receive a driver license OR PERMIT.

30 B. ~~The A~~ permittee shall have the permit in the permittee's immediate
31 possession while operating a motor vehicle. ~~The A~~ permit is invalid when the
32 permittee is issued a driver license or when a driver license is refused for
33 good cause.

34 C. IF THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT ANY
35 INFORMATION SUBMITTED TO THE DEPARTMENT IN AN APPLICATION FOR A NONOPERATING
36 IDENTIFICATION LICENSE AS PRESCRIBED BY SECTION 28-3323 IS FRAUDULENT, THE
37 DEPARTMENT SHALL INVESTIGATE THE INFORMATION AND DOCUMENTS SUBMITTED IN THE
38 APPLICATION AND MAY ISSUE A TEMPORARY NONOPERATING IDENTIFICATION LICENSE
39 UNTIL ITS INVESTIGATION IS COMPLETE.

40 D. TEMPORARY DRIVER PERMITS AND NONOPERATING IDENTIFICATION LICENSES
41 ISSUED PURSUANT TO THIS SECTION SHALL NOT CONTAIN A PHOTOGRAPH OF THE
42 APPLICANT IF THE DEPARTMENT IS CONDUCTING AN INVESTIGATION PURSUANT TO
43 SECTION 28-3323.

1 Sec. 3. Title 28, chapter 8, article 6, Arizona Revised Statutes, is
2 amended by adding section 28-3323, to read:

3 28-3323. Fraudulent driver license, driver permit or
4 nonoperating identification license applications:
5 cancellation; hearings

6 A. IF THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT THE
7 INFORMATION OR DOCUMENTS CONTAINED IN AN APPLICATION FOR A DRIVER LICENSE,
8 DRIVER PERMIT OR NONOPERATING IDENTIFICATION LICENSE ARE FRAUDULENT, THE
9 DEPARTMENT SHALL EXAMINE THE INFORMATION AND DOCUMENTS SUBMITTED BY THE
10 APPLICANT TO VERIFY THAT THE INFORMATION AND DOCUMENTS ARE VALID.

11 B. IF THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT ANY
12 INFORMATION OR DOCUMENT SUBMITTED BY AN APPLICANT MAY BE FRAUDULENT, THE
13 DEPARTMENT SHALL RETAIN THE APPLICANT'S DOCUMENTS THE DEPARTMENT BELIEVES TO
14 BE FRAUDULENT FOR FURTHER ANALYSIS AND VERIFICATION.

15 C. IF THE DEPARTMENT IS CONDUCTING AN INVESTIGATION PURSUANT TO
16 SUBSECTION B OF THIS SECTION, THE DEPARTMENT SHALL ENTER IN ITS ELECTRONIC
17 RECORDS THAT THE DEPARTMENT IS CONDUCTING FURTHER ANALYSIS AND VERIFICATION
18 OF THE APPLICANT'S INFORMATION OR DOCUMENTS.

19 D. EXCEPT AS PROVIDED IN SECTION 28-3157, IF THE DEPARTMENT IS
20 INVESTIGATING AN APPLICANT'S INFORMATION OR DOCUMENTS PURSUANT TO SUBSECTION
21 B OF THIS SECTION, THE DEPARTMENT SHALL NOT ISSUE A DRIVER LICENSE, DRIVER
22 PERMIT OR NONOPERATING IDENTIFICATION LICENSE TO THE APPLICANT WHILE THE
23 DEPARTMENT IS ANALYZING AND VERIFYING THE INFORMATION OR DOCUMENTS.

24 E. ON DETERMINING THAT THE INFORMATION AND DOCUMENTS SUBMITTED BY AN
25 APPLICANT ARE TRUE AND CORRECT, THE DEPARTMENT SHALL PROCESS THE APPLICATION
26 AND SHALL REMOVE INFORMATION ENTERED INTO ITS ELECTRONIC RECORDS PURSUANT TO
27 SUBSECTION C OF THIS SECTION.

28 F. IF THE DEPARTMENT DETERMINES THAT THE INFORMATION OR DOCUMENTS
29 SUBMITTED BY THE APPLICANT ARE ALLEGEDLY FRAUDULENT, THE DEPARTMENT SHALL:

30 1. IF THE APPLICANT HAS RECEIVED A TEMPORARY DRIVER PERMIT OR
31 NONOPERATING IDENTIFICATION LICENSE PURSUANT TO SECTION 28-3157, CANCEL THE
32 TEMPORARY DRIVER PERMIT OR NONOPERATING IDENTIFICATION LICENSE AND NOTIFY THE
33 APPLICANT BY FIRST CLASS MAIL THAT THE TEMPORARY DRIVER PERMIT OR
34 NONOPERATING IDENTIFICATION LICENSE IS CANCELED AND THAT THE APPLICANT MAY
35 REQUEST A HEARING AS PRESCRIBED IN THIS SECTION.

36 2. NOTIFY THE APPLICANT BY FIRST CLASS MAIL THAT THE DEPARTMENT WILL
37 NOT ISSUE THE DRIVER LICENSE, DRIVER PERMIT OR NONOPERATING IDENTIFICATION
38 LICENSE FOR WHICH THE APPLICANT APPLIED AND THAT THE APPLICANT MAY REQUEST A
39 HEARING AS PRESCRIBED IN THIS SECTION.

40 G. ON AN APPLICANT'S REQUEST, THE DEPARTMENT SHALL PROVIDE AN
41 OPPORTUNITY FOR A HEARING ON THE ACTION TAKEN PURSUANT TO THIS SECTION AS
42 EARLY AS PRACTICABLE BUT NOT LATER THAN THIRTY DAYS AFTER RECEIPT OF THE
43 REQUEST. THE DEPARTMENT SHALL HOLD THE HEARING IN THE COUNTY IN WHICH THE
44 APPLICANT RESIDES.

45 H. IF A HEARING IS HELD, THE DEPARTMENT OR ITS AUTHORIZED AGENT MAY
46 ADMINISTER OATHS, ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES AND THE

1 PRODUCTION OF RELEVANT BOOKS AND PAPERS AND REQUIRE A REEXAMINATION OF THE
2 DOCUMENTS SUBMITTED BY THE APPLICANT FOR A DRIVER LICENSE, DRIVER PERMIT OR
3 NONOPERATING IDENTIFICATION LICENSE.

4 I. IF THE APPLICANT'S TEMPORARY DRIVER PERMIT OR NONOPERATING
5 IDENTIFICATION LICENSE WAS CANCELED, AT THE HEARING THE DEPARTMENT SHALL
6 EITHER UPHOLD ITS ORDER OF CANCELLATION OR RESCIND ITS ORDER OF CANCELLATION
7 AND PROCESS THE APPLICATION FOR A DRIVER LICENSE, DRIVER PERMIT OR
8 NONOPERATING IDENTIFICATION LICENSE. IF GOOD CAUSE EXISTS, THE DEPARTMENT
9 MAY EXTEND THE TEMPORARY DRIVER PERMIT OR NONOPERATING IDENTIFICATION
10 LICENSE.

11 J. IF THE APPLICANT WAS NOT ISSUED A TEMPORARY DRIVER PERMIT OR
12 NONOPERATING IDENTIFICATION LICENSE PURSUANT TO SECTION 28-3157, THE
13 DEPARTMENT SHALL EITHER UPHOLD ITS ORDER OF REFUSAL TO ISSUE A DRIVER
14 LICENSE, DRIVER PERMIT OR NONOPERATING IDENTIFICATION LICENSE OR RESCIND ITS
15 ORDER AND PROCESS THE APPLICATION FOR A DRIVER LICENSE, DRIVER PERMIT OR
16 NONOPERATING IDENTIFICATION LICENSE.

17 K. THE REQUEST FOR A HEARING PURSUANT TO THIS SECTION DOES NOT STAY
18 ANY ACTION BY THE DEPARTMENT.

19 Sec. 4. Reporting; caseloads

20 Beginning October 1, 2005, the director of the department of
21 transportation shall file quarterly reports with the director of the joint
22 legislative budget committee and the director of the office of strategic
23 planning and budgeting relating to the number of cases the department is
24 investigating pursuant to section 28-3323, Arizona Revised Statutes, as added
25 by this act. The director of the department of transportation may include
26 other information the director deems relevant relating to the department's
27 duties and practices, including staff, training and equipment needs necessary
28 to enforce section 28-3323, Arizona Revised Statutes, as added by this act.

29 Sec. 5. Appropriation

30 The sum of \$721,700 is appropriated from the highway user revenue fund
31 in fiscal year 2005-2006 to the Arizona department of transportation for the
32 purposes provided in sections 1, 2, 3 and 4 of this act and for eight FTE
33 positions.